

THE CORPORATION OF THE DISTRICT OF BURNABY

25 October 1963.

REPORT NO. 62, 1963.His Worship, the Reeve,
and Members of the Council.

Gentlemen and Madam:

Your Executive Assistant to the Manager reports as follows:

1, Re: Acquisition of Easements -
Grassmere Sanitary Sewer Project No.1.

Easements are required in connection with the above Sewer Project as follows:

- (1) Owner - William Martz, Retired, 5309 Willingdon Avenue, Burnaby 1, B. C.
Property - Portion of Block 59 shown outlined in red on plan deposited in the L.R.O. under Number 26006, of D. L. 33, Group 1, Plan 944, save and except part one-half of an acre more or less as shown outlined red on Sketch deposited No.5640, N.W.D.
Location of easement - 5305 - 5311 Willingdon Avenue.
Consideration - \$1.00 plus restoration of the easement area.
- (2) Owner - Clifford Pearce and Elsie Pearce, 5359 Willingdon Avenue, Burnaby 1, BC
Property - Portion of Block 60, shown outlined in red on plan deposited in L.R.O. Under No. 26006, of D. L. 33, Group 1, Plan 944, N.W.D.
Location of easement - 5359 Willingdon Avenue.
Consideration - \$1.00 plus restoration of the easement area.
- (3) Owner - Rosalina Luscombe, 5329 Willingdon Avenue, Burnaby 1, B. C.
Property - portion of Block 59, shown outlined in red on plan deposited in L.R.O. under number 26006, of D. L. 33, Group 1, Plan 944, as shown outlined in red on Sketch 5640, N.W.D.
Location of easement - 5329 Willingdon Avenue.
Consideration - \$1.00 plus restoration of the easement area.

It is recommended that authority be granted to acquire these easements and that the Reeve and Clerk be authorized to sign the easement documents on behalf of the Corporation.

2. Re: Investments.

The Municipal Treasurer advises that on 17 October he purchased \$100,000. B. C. Electric Parity bonds guaranteed by the Province of B. C., 5½%, due 1 September 1956 at par, and at the same time contracted to sell them back to the dealer on 31 December at par to yield 4%, or \$821.92, on the investment.

This transaction is known as a "buy back" and from this a guaranteed yield on an investment of a greater amount than can normally be obtained by a municipality for such a short period of time.

It is recommended that the Treasurer's actions be confirmed.

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3. Re: Demolition of Building,
3965 Marine Drive.

Lots 4 and 5, Block 2, D. L. 175, N.W. pt. of the S.E. ¼ Group 1, Plan 1332, located at 3965 Marine Drive is owned by the Municipality.

For the past twenty years the property has been leased to the Convention of Regular Baptists of B. C. who erected a chapel on the property and have now abandoned it.

The building has been subject to a considerable amount of vandalism and many complaints have been received regarding the property.

The building has been inspected and the Fire Prevention Officer recommends demolition,

The church group have released their interest in the property.

It is recommended that the Land Agent and the Fire Chief be authorized to destroy the building and the small shed at the rear.

4. Re: Recast Budget - 1963.

Submitted herewith for Council consideration is the Recast Budget for the year 1963, with a Special Report of the Municipal Manager, for consideration of the Council.

5. Re: Expenditures.

Submitted herewith is the Municipal Treasurer's report covering Expenditures for the period ended 6 October 1963 in the total amount of \$1,469,900.73.

It is recommended the expenditures be approved.

6. Re: Allowances.

Submitted herewith for your approval is the Municipal Treasurer's report covering applications received for allowance of percentage addition charges under Section 411 of the Municipal Act in the total amount of \$64.80.

It is recommended that the allowances as applied for be granted.

7. Re: Estimates.

Submitted herewith for your approval is the Municipal Engineer's estimates of work in the total amount of \$4,000.00.

It is recommended the estimates as submitted be approved.

Respectfully submitted,

E. A. Fountain,
EXECUTIVE ASSISTANT.

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 28 October 1963.

8, Re: Acquisition of Easement - Portion Lot 115 of Lot 68,
Group 1, Plan 24910, N.W.D.

An easement is required for storm drainage purposes from Steel-Johnson Amusements Limited, 3960 W. Grandview-Douglas Highway, Burnaby, over the 0.053 and 0.006 ac. portion of Lot 115, shown outlined in red on plan deposited in the Land Registry Office, at New Westminster, under Number 25948, District Lot 68, Group 1, Plan 24910, N.W.D. The easement is required for completion of the drainage easement connection with the Cascades Theatre site extension. The consideration payable by the Corporation is \$1.00 plus restoration of the easement area.

It is recommended that authority be granted to acquire this easement and that the Reeve and Clerk be authorized to sign the easement documents on behalf of the Corporation.

9, Re: 3962 E. Pender Street
- Mr. N. Catalano.

On July 2nd, Council ordered the owner of the building located at 3962 E. Pender Street to either repair and renovate the said building to comply with all requirements of pertinent Municipal by-laws or demolish same before September 1, 1963; otherwise the Council would take action pursuant to Section 873 of the Municipal Act to have the building demolished and the costs incurred to be applied to the taxes on the property.

On August 30, 1963, a Mr. A. Langmann filed a plan with the Building Department and made application for a building permit to renovate the building. The permit could not be issued until additional information was provided by the contractor.

On September 3, 1963, Mr. Catalano contacted the Building Department by telephone with the information that a mortgage to provide funds for the renovation of the building had been obtained and that the work could proceed.

Contact with the agent who was arranging the mortgage confirmed that a mortgage had been arranged but the money would not be released until two or three accounts had been cleaned up by Mr. Catalano.

The Building Department has heard nothing further from Mr. Catalano or his contractor since September 3, 1963.

On September 13, 1963, the Fire Prevention Officer served Nicademo and Giuseppa Catalano with an order requiring -

- (a) removal of the building.
- (b) demolition of the building.
- (c) repair of the building to conformity with
Municipal regulations.

The Municipal Solicitor reports as follows:

"Council has already declared the building on this property a nuisance pursuant to Section 873 of the Municipal Act and an order has been served on Mr. and Mrs. Catalano requiring them to remove, pull down or renovate the said building within sixty days after July 2nd, 1963. Mr. Catalano has had a full hearing and it is not likely that the order made by Council could be successfully attacked. However, the Order is a drastic one since in the event that Mr. and Mrs. Catalano do not comply with it, the Municipality may and charge the cost against the land by way of taxes.

Only as an abundance of caution, I would recommend that Council also take the course outlined in Section 715 of the Municipal Act and pass a by-law authorizing

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the demolition of this building. The Council may exercise this authority if the building is in contravention of any by-law or in the opinion of Council is in an unsafe condition. There is ample evidence that this building is in contravention of several municipal by-laws and is in an unsafe condition. The procedure under Section 715 provides that the owners shall have thirty days notice and may appeal to a County Court Judge against the order. However, notice of appeal must be given within ten days from the date of the notice and at the expiration of the thirty-day period, the Municipality, if the order is not upset by the Judge, may proceed to carry it out. Section 236 of the Municipal Act would permit Council to charge the cost of carrying out the order against the property.

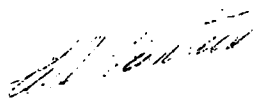
The Local Assistant Fire Marshal has issued an order requiring the owners to remove, demolish or repair the said building and this order likewise has not been carried out. As a result, Mr. and Mrs. Catalano have been summonsed to appear in Magistrate's Court, being charged with the offence of failing to carry out the said order. For this offence they may be fined not less than \$10.00 and not more than \$300.00 and in the case of a continuing offence, as this is since the order should have been complied with by October 13, 1963, to a further penalty not exceeding \$50.00 for each day for which the offence continues."

The action taken by the Fire Department may have the desired results but Council is requested to pass a by-law pursuant to Section 715 of the Municipal Act, as recommended by the Municipal Solicitor in order that more drastic action can be taken if required.

10. Re: 1954 Land Sale - Messrs. Kalyk and Clary.

Submitted herewith is a Special Report dealing with two land sales in 1954 to Messrs. Kalyk and Clary.

Respectfully submitted,



E. A. Fountain,
EXECUTIVE ASSISTANT
TO MUNICIPAL MANAGER.

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(Item 2...re Burke-Chaffey Park-School Site...continued)

Although the owners are prepared to convey the properties, the Corporation is unable to accept conveyance until either the lane to the east or the lane to the west has been acquired. Council has authorized expropriation of the balance of the eastern lane. Therefore, the owners have consented to grant the Corporation right-of-way easements for \$1.00 which also provides the Corporation with options to acquire the properties at amounts stated within a six month period.

It is recommended that the Corporation acquire the properties and that until the Corporation can accept conveyances, right-of-way (easement) 6 month option agreements be obtained and that the Reeve and Clerk be authorized to sign the necessary documents.

3. Re: Burke-Chaffey Park - School Site.

The following property acquisition is the result of an approval granted by Council To Willingdon Hospital Ltd. to operate a private hospital on Grange Street west of Willingdon.

One of the conditions of the approval was that the Company convey the land required for a 20 foot lane and a joint park-school site to the Corporation for \$1.00. The area of the land being conveyed to the Corporation is 22,731 square feet and is shown on a plan prepared by P. Aplin, B. C. L. S. and dated October 16, 1963.

It is recommended that the property be acquired for \$1.00 and that the Reeve and Clerk be authorized to sign the necessary documents.

Note: The next item should be read by Council before action is taken on this acquisition.

4. Re: Willingdon Hospital Limited.

The above Company is constructing a private hospital on Grange Street west of Willingdon Avenue.

The establishment of the hospital was approved by the Council subject to the following conditions:

- ""(a) That the two parcels be consolidated.
- (b) That a lane allowance 20 feet in width commencing at a point approximately 300 feet north of the southerly property line on the eastern side of the site and extending westerly over the site, be dedicated. This lane allowance is more particularly shown on Planning Department Drawing No. E-1066A.
- (c) That that portion of the site north of the aforementioned lane allowance be conveyed to this Corporation for the sum of \$1.00, it being understood that this portion is to be dedicated for park purposes.
- (d) That a deposit be made to cover the cost of constructing a storm sewer along the lane allowance mentioned above. The estimated cost of this work is \$3,000.00.
- (e) That the approval by Council be valid for a period of 180 days, on the understanding that an extension of this time will be considered if your Company can show that a bonafide attempt is being made to construct the Private Hospital on the property in question.

The Council has agreed that the necessary storm sewer work be installed on a shareable basis, in view of your aforementioned land dedication. This matter has been left open for negotiation."

Reference is made to condition number (d) and the last paragraph of the letter. In other words, the cost of the storm sewer is to be a shareable item.

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Executive Assistant,
28 October 1963.

(Item 4...re Willingdon Hospital Limited...continued)

The estimated cost of services is as follows:	Storm sewer	- \$3,000.00
	Lane construction	850.00
		<u>\$3,850.00.</u>

The value of the land being conveyed by the Hospital to the Corporation for the lane and the park-school site is \$4,091.58 calculated at eighteen cents per square foot.

Mr. N. Cook, acting on behalf of the Hospital, considers the value of the land being conveyed to the Corporation should be considered as sufficient to offset the storm sewer and lane construction costs. He claims to have paid \$68,500.00 for the site, and estimates the value of the property being conveyed to the Corporation at \$17,700.00. As noted above the value calculated at eighteen cents per foot is \$4,091.58 which is approximately \$250.00 more than the cost of the services.

Mr. Cook was informed I was prepared to recommend that the Corporation absorb 75% of the \$3,000.00 sewer cost and that the Hospital pay the 25% plus the \$850.00 for the lane making a total of \$1,600.00. He does not agree and considers we should absorb the servicing costs of \$3,850.00 in exchange for the land.

5. Re: Acquisition of Sketch 9133 except Sketch 10424, Block 16,
W¹ of the S¹, D. L. 13, Group 1, Map 3046.

The above mentioned property contains 1.138 acres and is owned by Mr. Jack Lawson and located at 9137 Mona Avenue. There is a very old shack on the property.

The asking price for the property is \$5,500.00 but the owner is prepared to sell to the Corporation for \$4,500.00.

It is one of three properties located at the easterly end of Mona Avenue which lack water service or a good road.

The Land Agent considers \$4,500.00 a reasonable price for the property.

Respectfully submitted,


E. A. Fountain,

EXECUTIVE ASSISTANT
TO MUNICIPAL MANAGER.

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